

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 BRANDON C. JAROCH
5 Assistant Federal Public Defender
6 Nevada State Bar No. 10944
7 411 E. Bonneville, Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577/Phone
10 (702) 388-6261/Fax
11 Brandon_Jaroch@fd.org

12 Attorney for Rafael Velazquez

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Case No. 2:20-mj-466-BNW

17 Plaintiff,

18 **STIPULATION TO CONTINUE**
19 **BENCH TRIAL**
20 (First Request)

21 v.

22 RAFAEL VELAZQUEZ,

23 Defendant.

24 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
25 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel
26 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
Brandon C. Jaroch, Assistant Federal Public Defender, counsel for Rafael Velazquez, that the
bench trial currently scheduled on August 12, 2020 at 9:00 AM, be vacated and continued to a
date and time convenient to the Court, but no sooner than forty-five (45) days.

27 This Stipulation is entered into for the following reasons:

28 1. On April 9, 2020, the Chief Judge of the U.S. District Court for the District of
29 Nevada issued Temporary General order 2020-04 (the “General Order”). The Order explains
30 that, due to the outbreak of the coronavirus 2019 (“COVID-2019”) in the District of Nevada,

1 the General Order was amended for all civil and criminal trials to be scheduled on a case by
2 case basis. Pending further order of the Court and found that “the ends of justice are best
3 served by ordering continuances, which outweighs the best interests of the public and any
4 defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

5 2. Continuing this deadline trial will serve the critical interests emphasized in the
6 General Order. Given the grave public-health concerns discussed in the General Order, in
7 addition to difficulty—or impossibility—of securing a jury pool that would represent a fair
8 cross section of the community at this time, the ends of justice served by the requested
9 continuance in this case outweigh the best interests of the public and defendant in a speedy
10 trial. The additional time requested by this Motion is excludable in computing the time within
11 which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
12 3161(h)(7)(A)

13 3. The parties agree to the continuance.

14 4. The additional time requested herein is not sought for purposes of delay, but
15 merely to allow counsel for defendant sufficient time within which to be able to effectively
16 and complete investigation of the discovery materials provided and prepare for trial.

1 5. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice. The additional time requested by this Stipulation is excludable in
3 computing the time within which the trial herein must commence pursuant to the Speedy Trial
4 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
5 18, United States Code § 3161(h)(7)(B)(iv).

6 This is the first request for a continuance of the bench trial.

7 DATED this 4th day of August, 2020.

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11 RENE L. VALLADARES
12 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

13 */s/ Brandon C. Jarocho*
14 By _____
15 BRANDON C. JAROCH
Assistant Federal Public Defender

16 */s/ Rachel Kent*
17 By _____
18 RACHEL KENT
19 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
RAFAEL VELAZQUEZ,
Defendant.

Case No. 2:20-mj-466-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On April 9, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General order 2020-04 (the “General Order”). The Order explains that, due to the outbreak of the coronavirus 2019 (“COVID-2019”) in the District of Nevada, the General Order was amended for all civil and criminal trials to be scheduled on a case by case basis. Pending further order of the Court and found that “the ends of justice are best served by ordering continuances, which outweighs the best interests of the public and any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).

2. Continuing this deadline trial will serve the critical interests emphasized in the General Order. Given the grave public-health concerns discussed in the General Order, in addition to difficulty—or impossibility—of securing a jury pool that would represent a fair cross section of the community at this time, the ends of justice served by the requested continuance in this case outweigh the best interests of the public and defendant in a speedy

1 trial. The additional time requested by this Motion is excludable in computing the time within
2 which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
3 3161(h)(7)(A)

4 3. The parties agree to the continuance.

5 4. The additional time requested herein is not sought for purposes of delay, but
6 merely to allow counsel for defendant sufficient time within which to be able to effectively
7 and complete investigation of the discovery materials provided and prepare for trial.

8 5. Additionally, denial of this request for continuance could result in a
9 miscarriage of justice. The additional time requested by this Stipulation is excludable in
10 computing the time within which the trial herein must commence pursuant to the Speedy Trial
11 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
12 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

13 This is the first request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, August 12, 2020, at 9:00 a.m., be vacated and continued to October 21, 2020 at the hour of 9:00 AM.

DATED this 7th day of August, 2020.

020. *Jan L. W. Kelder*

UNITED STATES MAGISTRATE JUDGE